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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2011-842

13 **MELISSIA MARIE TURPIN**
3171 Linden Avenue
Long Beach, CA 90807

A C C U S A T I O N

14 Registered Nurse License No. 691476
15 Public Health Nurse Certificate No. 71165

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about October 27, 2006, the Board issued Registered Nurse License No.
23 691476 to Melissia Marie Turpin (Respondent). The Registered Nurse License was in full force
24 and effect at all times relevant to the charges brought herein and will expire on May 31, 2012,
25 unless renewed.

26 3. On or about January 3, 2007, the Board issued Public Health Nurse Certificate No.
27 71165 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times
28 relevant to the charges brought herein and will expire on May 31, 2012, unless renewed.

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9. Section 2762 of the Code provides:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

10. Section 2764 of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, provides:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.”

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1 **COST RECOVERY**

2 12. Section 125.3 of the Code provides that the Board may request the administrative law
3 judge to direct a licensee found to have committed a violation or violations of the licensing act to
4 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Conviction of Substantially Related Crime)

7 13. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision
8 (f), in conjunction with California Code of Regulations, title 16, section 1444, in that, Respondent
9 was convicted of a crime substantially related to the qualifications, functions or duties of a
10 registered nurse which to a substantial degree evidences her present or potential unfitness to
11 practice in a manner consistent with the public health, safety or welfare. The circumstances are as
12 follows:

13 a. On or about August 26, 2010, after pleading nolo contendere, Respondent was
14 convicted of one misdemeanor count of violating Vehicle Code Section 23152(b) [driving with a
15 BAC level over 0.08%] in the criminal proceeding entitled *The People of the State of California*
16 *v. Melissia Marie Turpin* (Super. Ct. Los Angeles County, 2010, No. 0LT01627). The Court
17 sentenced Respondent to four (4) days in jail, placed Respondent on three (3) years probation, and
18 ordered Respondent to complete a 1st Offender Alcohol Program. In addition, the Court sentenced
19 Respondent to ten (10) days of Cal Trans and ordered her to pay a fine of \$2,199.00.

20 b. The circumstances underlying the conviction are that on or about August 24, 2010,
21 Long Beach Police Officers arrested Respondent after she drove her vehicle to collide with
22 another vehicle. Respondent was tested as having a blood alcohol level (BAC) of 0.18.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Alcohol Related Conviction)

25 14. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
26 conjunction with 2762, subdivision (c), on the grounds of unprofessional conduct, in that, on or
27 about August 26, 2010, Respondent was convicted of a criminal offense involving alcoholic

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1 beverages. Complaint refers to and by this reference incorporates the allegations set forth above
2 in paragraph 12, subparagraphs a and b, inclusive, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Dangerous Use of Alcohol)

5 15. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
6 conjunction with 2762, subdivision (b), on the grounds of unprofessional conduct, in that, on or
7 about August 24, 2010, Respondent used alcoholic beverages, to an extent or in a manner
8 dangerous or injurious to herself or others when she drove a vehicle while intoxicated and caused
9 an auto collision. Complaint refers to and by this reference incorporates the allegations set forth
10 above in paragraphs 12 and 13, inclusive, as though set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct / Violate Nursing Practice Act)

13 16. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
14 or (d), in that, Respondent committed acts of unprofessional conduct, and/or acts violating
15 provisions of the Nursing Practice Act. Complaint refers to and by this reference incorporates the
16 allegations set forth above in paragraphs 12-14, inclusive, as though set forth fully.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License No. 691476, issued to Melissia
21 Marie Turpin;

22 2. Revoking or suspending Public Health Nurse Certificate No. 71165, issued to
23 Melissia Marie Turpin;

24 3. Ordering Melissia Marie Turpin to pay the Board the reasonable costs of the
25 investigation and enforcement of this case, pursuant to section 125.3; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: _____

4/13/11

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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